IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 23183 of 1999

Between:

G.Rama Sharma S/o G.Dattatreya, aged about 48 years

Occ: Advocate, resident of 401, United Enclave, Begumpet,

Hyderabad.

..... PETITIONER

AND

1. Government of Andhra Pradesh, represented by its

   Secretary, Department of Legislative Affairs & Justice, Secretariat

   Hyderabad.

2. High Court of Andhra Pradesh, represented by its Registrar (Vigilance), Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring notification in G.O.Ms.No.55, Law (LA & J. Cts. C1) Department dt. 7-4-1999 issued by the first respondent dismissing the petitioner form judicial service as illegal, arbitrary, unconstitutional and violative of Arts. 14,16 and 311 of the Constitution of India and consequently direct the respondents 1 and 2 to accept the resignation submitted by the petitioner on 26-10-1996.

For the Petitioner:PARTY-IN-PERSON

For the Respondent No.1: G.P. for Home (Courts)

For the Respondent No.2: MR.C.V.NAGARJUNA REDDY, Standing Counsel for HC

The Court made the following :

THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

WP No.23183/1999

ORDER

The writ petition was initially heard by learned Division Bench of this court comprising of Honourable Sri Justice S.R.Nayak and Honourable Sri Justice L.Narasimha Reddy and the learned Judges of the Division Bench have gone into the matter in great detail and rendered two separate erudite judgments by elaborately recording two conflicting opinions with regard to the dismissal of a Judicial Officer through G.O.Ms.No.55 Law (LA&J, Cts.CI) Department dt. 7-4-1999. Justice S.R.Nayak after elaborately noticing the facts upheld the dismissal of the petitioner holding that a fair procedure has been followed by the Enquiry Officer while conducting the disciplinary enquiry and findings recorded by the Enquiry

Officer as accepted by the High Court is based on substantive legal evidence and there is no failure of justice, holding so dismissed the writ petition. But, however dealing with the same question, Justice L.Narasimha Reddy held that there was denial of fair play and Enquiry Officer violated principles of natural justice by not furnishing necessary documents. Further the learned Judge after going through the evidence held that the irregularities as pointed out in the charges cannot be sustainable and findings of the Enquiry Officer cannot be accepted. Consequently, impugned GO dismissing the petitioner from judicial service held to be not sustainable and allowed the writ petition with a direction that since the petitioner had submitted an application for voluntary retirement which was pending by the time the disciplinary proceedings were initiated, it shall be open for the respondents to take such decision as they deem fit on the application submitted with leave and liberty to initiate any proceedings against the petitioners with reference to the allegations made against him, if there is any other independent material.

In view of the conflicting opinions on the question raised in the writ petition, the Division Bench directed that the matter has to be referred to another learned Judge and directed the Registry to place the matter before the Honourable the Chief Justice for posting the matter before a third judge for his opinion. In view of placing the matter before the Honourable Chief Justice A.R.Lakshmanan (as he then was) posted the matter before him initially and on his elevation, the Chief Justice directed the matter to be posted before me.

In view of the same, I shall now make an endeavour to deal with the matter separately and attempt to determine the controversy independently.

The facts in nutshell are as under: The petitioner while serving as Subordinate Judge (now re-designated as Senior Civil Judge), Narasaraopet was served with a charge memo dt. 10-9-1997 by the Enquiry Officer, namely, V Additional Metropolitan Sessions Judge, Hyderabad, who was appointed by the High Court vide its orders dt. 21-3-1997, whereunder High Court ordered to conduct regular departmental enquiry against the petitioner in respect of awards passed by him in land acquisition matters relating to acquisition of lands submerged due to construction of Priyadarshini Jurala Project, while working as Subordinate Judge, Gadwal. Before issuance of charge memo, the High Court by its order dt. 21-12-1996 placed the petitioner under suspension in contemplation of the disciplinary enquiry and in public interest with immediate effect, who was at that time on leave. The petitioner received the transfer orders on 9-4-1996 and got relieved at Gadwal on 11-4-1996 and reported for duty at Narasaraopet. While working at Narasaraopet, he applied for leave

with effect from 1-8-1996 to 31-8-1996 and subsequently extended the leave upto 31-1-1997. In the interregnum, the petitioner submitted his resignation to the post on 26-10-1996 when he was on leave. While said resignation was pending consideration of the High Court, the Youth Association of Gadwal addressed a letter/complaint on 12-12-1996 to the Honourable the Chief Justice alleging that certain irregularities have taken place in the matter of awarding compensation to the lands acquired for the market committee of Gadwal. A few days thereafter two learned Judges of this court addressed letter dt. 25-12-1996 to the Chief Justice stating that they heard and disposed of several land acquisition appeals relating to acquisition of lands for Priyadarshini Jurala Project, construction of camp office of that project in Gadwal Municipality and establishment of Industrial Development area and they noticed certain irregularities committed by the Sub-Judge, Gadwal, who dealt with the matters. In view of the above two letters, the High Court initiated disciplinary proceedings against the petitioner and placed him under suspension pending disciplinary proceedings. Meanwhile, the petitioner filed CC (SR) No.77573 of 1996 impleading the Registrar (Vigilance) by name, which lead to issuance of an order dt. 21-3-1997 to the effect that the act of the petitioner in filing contempt case impleading the Registrar (Vigilance) by name will constitute an act of misconduct and enquiry ordered under proceedings dt. 27-12-1996 will cover this aspect also. On the basis proceedings of the High Court dt. 27-12-1996 and 21-3-1997, the Enquiry Officer framed as many as 28 charges through his proceedings dt. 10-9-1997, which have been extracted in detail in the judgment of Justice S.R.Nayak and I do not propose to reproduce the same once again. Not being satisfied with the explanation dt. 25-9-1997 offered by the petitioner on 26-9-1997, the High Court directed the Enquiry Officer to conduct regular departmental enquiry against the petitioner. Accordingly, the Enquiry Officer issued summons to Chief Ministerial Officer, Sub-Court, Gadwal, Mr. A.Rajaiah, Subordinate Judge, Mahabubnagar who was appointed as the Presenting Officer by the High Court and also to the delinquent Officer fixing the enquiry on 6-12-1997. On 6-12-1997 Chief Ministerial Officer was examined as P.W.1 and through him Exs.A-1 to A-27 were marked with the consent of the petitioner-delinquent officer. The petitioner in spite of giving an opportunity has not chosen to cross-examine P.W.1. But immediately after evidence of P.W.1 was recorded, he submitted written arguments/additional written statement. Subsequently, the petitioner sent a copy of his transfer order dt. 3-4-1996 transferring him from Gadwal to Narasaraopet, which is marked as Ex.B-1 and a sheet containing news items dt. 25-10-1997 and 18-9-1997 published in A.P. Times and Deccan Chronicle respectively, which was marked as Ex.B-2. On consideration of the oral and documentary evidence placed before him, the Enquiry Officer submitted his report dt. 27-1-

1998, whereunder he held that all the charges framed against the petitioner are proved. On receipt of the report of the Enquiry Officer, and on independent consideration of the evidence let in the regular departmental enquiry the High Court came to the conclusion that charges 1,12,16, 17 and 24 are not proved against the delinquent officer and as regards other charges, the High Court concurred with the findings of the Enquiry Officer. Accordingly, the High Court through its Registrar (Vigilance) issued show cause notice dt. 19-3-1998 to the petitioner-delinquent proposing to impose the penalty of dismissal from service as a disciplinary measure, which was received by the petitioner on 21-3-1998, to which he submitted his reply on 26-3-1998. The High Court on consideration of the reply submitted by the petitioner to the show cause notice and not being satisfied with the same, recommended to the Government to impose the penalty of dismissal from service as a disciplinary measure for the proven misconduct. Accepting the recommendation of the High Court, the Government issued G.O. Ms.No.55 dt. 7-4-1999 dismissing the petitioner from service by virtue of the power conferred upon it under cl.(x) of Rule 9 of A.P. Civil Services (Classification, Control and Appeal) Rules, 1963. Questioning the same, the present writ petition has been filed seeking a Writ of Mandamus declaring the notification issued in G.O.Ms.No.55 dt. 7-4-1999 by the Govt., of Andhra Pradesh dismissing the petitioner form judicial service as illegal and for a consequential direction to the Government and High Court to accept the resignation submitted by the petitioner on 26-10-1996 and for appropriate reliefs.

The petitioner, appeared party-in-person, argued his case and filed written arguments on 5-7-2004.

The substratum of the submissions made by the petitioner are that the Enquiry Officer who framed 28 charges without mentioning basis for the said charges are vague and do not contain any details of alleged misconduct, collected 22 draft judgments in LAOPs, and formed an opinion after reading the said judgments and submitted a report holding that all 28 charges are proved. None were examined in connection with the charges. Thus, the very framing of charges is without any basis, much less supported by any legally acceptable evidence. The basis for initiation of the enquiry is the purported letter written by the learned Judges of this court dt. 25-12-1996, who heard the appeal AS No.1546/95 arising out of OP No.467/87, apart from letter dt. 12-12-1996 said to have been submitted by Youth Association, Gadwal addressed to the High Court. Non supply of said documents, which is the basis for framing of charges and for enabling the petitioner to submit his explanation will

amount to violation of principles of natural justice and entire enquiry is vitiated as held by the Apex Court in ***STATE OF UP V. SHATRUGHAN LAL***. Since the disciplinary authority held that charge Nos.1,12,16, 17 and 24 are not proved and further observed that charge No.24 is repetition of charge No.12, remaining charges relate to fixation of market value of the acquired land by taking into consideration the sale deeds of smaller extents is if erroneous, the same can be corrected in appeal but cannot be subjected to disciplinary action. In the absence of any evidence with regard to extraneous or irrelevant consideration while delivering said judgments, presumption drawn by the Enquiry Officer is nothing but ipsi dixit is erroneous. Mere marking of draft judgments is not sufficient and in the absence of any evidence touching upon the charges, judgments marked as documents does not establish any nexus between the alleged misconduct and the petitioner, and misconduct cannot the presumed as held by the Apex Court in ***SHER BAHADUR V. UNION OF INDIA***. The Enquiry Officer has not collected any statement from any of the claimants nor advocates who appeared in LAOPs or staff of land acquisition officer. When it was brought to the notice in the written arguments that some judgments were upheld by the High Court, the Enquiry Officer stated that the petitioner has not followed settled norms of judicial precedents without specifically quoting the judgments, therefore there is no acceptable evidence to support the said conclusion and the same is perverse. On the date of oral enquiry, the then Superintendent of Court of Subordinate Judge alone was examined as P.W.1 and through him Exs.A-1 to A-27 were marked, is neither competent nor capable of giving evidence touching the integrity and honesty of the petitioner as he was not the Superintendent at the relevant time when the petitioner worked as Subordinate Judge at Gadwal. When the Enquiry Officer admitted that most of the records are not available, framing of charges are biased one, which is contrary to law declared by this court in ***K.DAVID WILSON V. SECRETARY TO GOVERNMENT***. The petitioner tried to justify his awarding compensation under Exs.A-1 to A-27 in the light of law declared by the Apex Court in ***CHIMANLAL V. SPECIAL LAND ACQUISITION OFFICER,POONA*** and ***CHADA DHARMAPAL REDDY V. REVENUE DIVISIONAL OFFICER-CUM-LAND ACQUISITION OFFICER, MIRYALAGUDA*** contended that though award consists of large extents, batch of LAOPs numbering 50 to 100 were decided by common order, wherein small extents of individual claimants land form part of acquisition. In view of the same, fixation of compensation on yardage basis of topography, geographical location, potential of the land, and assessment of market value was in consonance with the guidelines laid down by the High Court in ***LAND ACQAUISITION OFFICER v. CH.PANDARI*** and ***VEERABHADRA RAO V. LAO*** as well as Supreme Court in ***SMT.LILA GHOSH (D) THR.***

LR. SHRI TAPAS CHANDRA ROY V. STATE OF WEST BENGAL. In view of the same, findings arrived at by the Enquiry Officer as accepted by the High Court that the judgments rendered by the petitioner were for extraneous and irrelevant considerations is not sustainable.

Per contra, Sri C.V.Nagarjuna Reddy, learned Standing Counsel for the second respondent-High Court while supporting the disciplinary action initiated against the petitioner reiterated the very same contentions which were raised by him before the Division Bench, which are incorporated in para 4 of the judgment. He further contends that no distinction can be drawn between the judicial and quasi judicial function for initiation of disciplinary proceedings obviously referring to the findings arrived by the learned Judges who rendered separate judgments. When the petitioner received charge memo attributing misconduct, he has not requested for supply of any of the documents for the purpose of preparing effective explanation nor made a request permitting him to go through the said records, it is not open for him to contend that there is violation of principles of natural justice. The petitioner who participated in oral enquiry on the notified date when P.W.1 was examined and through him judgments were marked has not even cross-examined him. In spite of indicating to the counsel on either side that the third Judge is not sitting in appeal on either of the judgments, learned Standing Counsel for the second respondent by referring to the findings of one of the learned Judges contends that learned Judge travelled beyond the judicial parameters, which is not the stand taken by the petitioner-delinquent in coming to the conclusion that findings of the enquiry officer is perverse and not sustainable and placed reliance on the judgments cited before the Division Bench.

In order to appreciate the rival contentions, it is necessary to have a glance over the parameters of the judicial review in the matter of disciplinary enquiry conducted.

The Apex Court in ***LALIT POPLI V. CANARA BANK*** after placing reliance on the

judgments of the Supreme Court in B.C. ***CHATURVEDI V. UNION OF INDIA*** AND ***R.S.SAINI V. STATE OF PUNJAB*** held as under:

> "WHILE exercising jurisdiction under Article 226 of the Constitution the High Court does not act as an appellate authority. Its jurisdiction is circumscribed by limits of judicial review to correct errors of law or procedural errors leading to manifest injustice or violation of principles of natural justice. Judicial review is not akin to adjudication of the case on merits as an Appellate Authority"

The Supreme Court in ***R.S.Saini*** (11 supra) while considering the scope of interference observed at paras 16 and 17 as follows:

> "16. Before adverting to the first contention of the appellant regarding want of material to establish the charge, and of non-application of mind, we will have to bear in mind the rule that the court while exercising writ jurisdiction will not reverse a finding of the inquiring authority on the ground that the evidence adduced before it is insufficient. If there is some evidence to reasonably support the conclusion of the inquiring authority, it is not the function of the court to review the evidence and to arrive at its own independent finding. The inquiring authority is the sole judge of the fact so long as there is some legal evidence to substantiate the finding and the adequacy or reliability of the evidence is not a matter which can be permitted to be canvassed before the court in writ proceedings.
>
> "17. A narration of the charges and the reasons of the inquiring authority for accepting the charges, as seen from the records, shows that the inquiring authority has based its conclusions on materials available on record after considering the defence put forth by the appellant and these decisions, in our opinion, have been taken in a reasonable manner and objectively. The conclusion arrived at by the inquiring authority cannot be termed as either being perverse or not based on any material nor is it a case where there has been any non-application of mind on the part of the inquiring authority. Likewise the High Court has looked into the material based on which the enquiry officer has come to the conclusion, within the limited scope available to it under Article 226 of the Constitution and we do not find any fault with the findings of the High Court in this regard."

The Supreme Court in ***UNION OF INDIA V. SARDAR BAHADUR*** held as follows:

> " A disciplinary proceeding is not a criminal trial. The standard of proof

> required is that of preponderance of probability and not proof beyond reasonable doubt. If the inference that Nand Kumar was a person likely to have official dealings, with the respondent was one which reasonable person would draw from the proved facts of the case, the High Court cannot sit as a court of appeal over a decision based on it. Where there are some relevant materials which the authority has accepted and which materials may reasonably support the conclusion that the officer is guilty, it is not the function of the High Court exercising its jurisdiction under Art. 226 to review the materials and to arrive at an independent finding on the materials. If the enquiry has been properly held the question of adequacy or reliability of the evidence cannot be canvassed before the High Court.

The Supreme Court in ***GOVT. OF TAMIL NADU V. A. RAJAPANDIAN*** where the Administrative Tribunal has not found any fault with the proceedings conducted by the inquiring authority, held that it had no jurisdiction to reappreciate the evidence and set aside the order of dismissal on the ground of insufficiency of evidence to prove the charges.

In CHATURVEDI'S case, the Supreme Court exhaustively dealt with the scope of judicial review in departmental proceedings in paras 12 and13, which read as under:

> "Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in eye of the Court. When an inquiry is conducted on charges of a misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice be complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent office is guilty of the charge. The Court/Tribunal on its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at the own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry of where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever

reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case."

"THE disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has co-extensive power to reappreciate the evidence or the nature of punishment. In a disciplinary inquiry the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. In Union of India v. H. C. Goel (1964) 4 SCR 718 : (AIR 1964 SC 364), this Court held that if the conclusion, upon consideration of the evidence, reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued.

In the light of parameters of judicial review of disciplinary action carved out by the Supreme Court, I have to now deal with the contentions advanced by the petitioner who extensively taken me to the charges and findings arrived at by the Enquiry Officer as affirmed by the disciplinary authority, which can be conveniently divided into four categories.

1. Charges 3, 8, 9 , 11, 19, 20, 21,22, 23 and 25 relate to awarding of compensation on yardage basis for the larger extents of land by taking sale deeds of smaller extents in all ranging below 300 sq.yards and in one case it is 50 cents.

2. Charges 7, 10, 13 to 18 relate to the cases where sale deeds of smaller extents were formed basis for fixation of compensation to the large extents acquired.

3. Charges 4, 5 and 6 relate to the cases where uniform rates were awarded to the various categories.

4. Charges 1, 2, 12 and 24 relate to the cases, which were heard, and judgments delivered after transfer orders.

The submissions made by the petitioner can be briefly divided into three points:

1. Charges as framed are without any basis and are vague and not supported by legally acceptable evidence.

2. Since basis for initiation of disciplinary proceedings are two letters, one addressed by the learned Judges of this court dt.25-12-1996 and another letter said to have been addressed by the Youth

Association, Gadwal to the Honourable Chief Justice, non supply of said documents will amount to violation of principles of natural justice.

3. The allegations levelled against the petitioner relate to his discharge of judicial functions different from quasi judicial functions cannot be termed as misconduct, which are capable of correction on further appeal and do not warrant initiation of disciplinary action.

It is appropriate to deal with the third submission firstly and if the same is answered affirmatively, it is unnecessary to go into other submissions.

Petitioner relying on the observation made in one of the judgment that High Court in AS No.1546/95 has not attributed any motives against him in enhancing the compensation on yardage basis, would contend that imputing motives to the petitioner in awarding compensation on yardage basis without there being any evidence will amount to sitting in appeal against the judicial order passed by the petitioner and letter so written by the learned Judges cannot form basis for initiation of disciplinary proceedings.

The above submission made by the petitioner has to be judged in the light of the observations made by the Supreme Court in 'K' A JUDICIAL OFFICER, IN RE which read as under:

> " We must not be understood as meaning that any conduct of a subordinate judicial officer unbecoming of him and demanding a rebuff should be simply overlooked. But there is an alternate safer and advisable course available to choose. The conduct of a judicial officer, unworthy of him, having come to the notice of a Judge of the High Court hearing a matter on the judicial side, the lis may be disposed of by pronouncing upon the merits thereof as found by him but avoiding in the judicial pronouncement criticism of, or observations on the 'conduct' of the subordinate judicial officer who had decided the case under scrutiny. Simultaneously but separately in-office proceedings may be drawn up inviting attention of Hon'ble Chief Justice to the facts describing the conduct of the subordinate Judge concerned by sending a confidential letter or note to the Chief Justice. It will thereafter be open to the Chief Justice to deal with the subordinate judicial officer either at his own level or through the inspecting Judge or by placing the matter before the Full Court for its consideration. The action so taken would all be on the administrative side. The subordinate Judge concerned would have an opportunity of clarifying his position or putting-forth the circumstances under which he acted. He would not be condemned unheard and if the decision be adverse to

him, it being on administrative side, he would have some remedy available to him under the law. He would not be rendered remedies. (para 16)

R.C.SOOD V. HIGH COURT OF JUDICATURE AT RAJASTHAN is a case where one Vijay Singh describing himself as Chairman of Rajasthan Judicial Liberation Front, circulated a complaint against a judicial officer, though described as PIL under Art. 226 of the Constitution addressed to the Judges of the Rasjasthan High Court and other functionaries including Law Secretary. Law Secretary forwarded the said complaint to the Registrar of High Court to submit a report in the matter. Additional Registrar (Vigilance) after making a detailed enquiry submitted his report. On receipt of the report, the Chief Justice on administrative side decided not to proceed in the matter as genuineness of the complaint was not established. Said decision was revived on judicial officer filing a writ petition challenging suspension and initiation of disciplinary proceedings for the forgery said to have been committed while working as Registrar in issuing the publication of advertisement inviting applications to fill up the vacancies in Rajasthan Higher Judicial Service by way of direct recruitment, which was successfully challenged by the judicial officer. The Supreme Court while observing that once the Chief Justice decided that no cognizance of the complaint against the judicial officer be taken, unless the complaint is supported by an affidavit reopening of the same including administrative order passed by the Chief Justice earlier which is validly taken by the Chief Justice exonerating him, there was no valid reason in law for the Full Court to revoke the said decision and accordingly disciplinary proceedings were quashed. The same will not help to the case of petitioner.

In V.R.KATARKI V. STATE OF KARNATAKA the Supreme Court considered an identical issue, where a Civil Judge in Karnataka Judicial Service adjudicated references under Section 18 of the Land Acquisition Act and on the basis of information reaching the High Court of several irregularities, disciplinary proceedings were initiated against the Civil Judge by framing three charges including the charge for higher valuation than was legitimate of the lands was fixed by the Civil Judge. Ultimately he was dismissed from service. On challenge, the Karnataka High Court dismissed the writ petition on judicial side. On further appeal, the Supreme Court while observing that out of 17 matters involved where higher valuation aspect had been given, in three matters the State had gone on appeal but were dismissed. In regard to remaining cases, appeals have been disposed of with modification

of the valuation and after taking note that fixation of valuation was a judicial act of the Civil Judge held that even if the assessment of valuation is modified or affirmed in appeal as a part of the judicial process, the conduct of the judicial officer drawble from an over all picture of the matter would yet be available to be looked into. In appropriate cases, it may be open to draw inference even from judicial acts but when challenge was not raised in three appeals and only subsequently challenge came to be raised when the matter was noticed, the stand taken by the Civil Judge was accepted that there was a mistake and no ill motive and he is entitled to the benefit of doubt. When on the residue of the charges while disposing of the land acquisition references, the Civil Judge acting indiscreetly and with some motive, the Supreme Court held that dismissal of the civil judge from service was out of proportion and compulsory retirement would meet the ends of justice and accordingly directed in place of dismissal the Civil Judge shall be taken to have been compulsorily retired from service from the date when dismissal became operative. While holding so, the Supreme Court further observed that it is of paramount important that judicial officers must act aboveboard and keep the channel of justice clean. Confidence of the litigating parties in the system is the very foundation of the system and nothing should be done which would affect that.

In UNION OF INDIA V. A.N. SAXENA it was contended that no disciplinary proceedings could be initiated against the Income Tax Officer regarding his judicial or quasi-judicial functions in making the assessment orders in question. The Supreme Court rejecting that contention held:

> "It was urged before us by learned Counsel for the respondent that as the respondent was performing judicial or quasi judicial functions in making the assessment orders in question even if his actions were wrong they could be corrected in an appeal or in revision and no disciplinary proceedings could be taken regarding such actions
>
> IN our view, an argument that no disciplinary action can be taken in regard to actions taken or purported to be done in the course of judicial or quasi-judicial proceedings is not correct. It is true that when an officer is performing judicial or quasi-judicial functions disciplinary proceedings regarding any of his actions in the course of such proceedings should be taken only after great caution and a close scrutiny of his actions and only if the circumstances so warrant. The initiation of such proceedings, it is true, is likely to shake the confidence of the public in the officer concerned and also if lightly taken likely to undermine his independence. Hence the need for extreme care and caution before initiation of disciplinary proceedings against an officer performing judicial or quasi-judicial functions in respect of his actions in the discharge or purported to

> discharge his functions. But it is not as if such action cannot be taken at all. Where the actions of such an officer indicate culpability, namely, a desire to oblige himself or unduly favour one of the parties or an improper motive there is no reason why disciplinary action should not be taken.

In UNION OF INDIA V. K.K. DHAWAN, the Apex Court held that the Government is not precluded from taking disciplinary action against an erring officer for violation of the conduct rules even with regard to exercise of quasi-judicial powers. The Supreme Court in para (28) of the judgment enumerated the circumstances in which disciplinary action can be taken with regard to exercise of judicial or quasi-judicial powers. The Supreme Court held:

> "Certainly, therefore, the officer who exercises judicial or quasi-judicial powers acts negligently or recklessly or in order to confer undue favour on a person is not acting as a Judge. Accordingly, the contention of the respondent has to be rejected. It is important to bear in mind that in the present case, we are not concerned with the correctness or legality of the decision of the respondent but the conduct of the respondent in discharge of his duties as an officer. The legality of the orders with reference to the nine assessments may be questioned in appeal or revision under the Act. But we have no doubt in our mind that the Government is not precluded from taking the disciplinary action for violation of the Conduct Rules. Thus, we conclude that the disciplinary action can be taken in the following cases:
>
> I) Where the officer had acted in a manner as would reflect on his reputation for integrity good faith or devotion to duty;
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> II) if there is prima facie material to show recklessness or misconduct in the discharge of his duty;
>
> III) if he has acted in a manner which is unbecoming of a government servant;
>
> IV) if he had acted negligently or that he omitted the prescribed conditions which are essential for the exercise of the statutory powers;
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> V) if he had acted in order to unduly favour a party;
>
> VI) if he had been actuated by corrupt motive however, small the bribe may be because Lord Coke said long ago "though the bribe may be small, yet the fault is great."

In S. GOVINDA MENON V. UNION OF INDIA two issues were cropped up for

consideration before the Supreme Court, namely, appellant who was a member of the Indian Administrative Service was holding the post of Commissioner of Hindu Religious and Charitable Endowments, therefore the Government have no jurisdiction to take disciplinary proceedings; and he was exercising quasi judicial function in sanctioning the leases under Madras Hindu Religious and Charitable Endowments Act,1951 and his orders, therefore be questioned in accordance with the provisions of the Act unless orders vacated under the provisions of the Act are final and binding, cannot be questioned by the executive Government through disciplinary proceedings. Repelling the said contentions, the Supreme Court in para 7 observed as under:

> "….It was argued that an appeal is provided under S. 29 (4) of the Act against the order of the Commissioner granting sanction to a lease and that it is open to any party aggrieved to file such an appeal and question the legality or correctness of the order of the Commissioner and that the Government also may in revision under S. 99 of the Act examine the correctness or legality of the order. It was said that so long as these methods were not adopted the Government could not institute disciplinary proceedings and re-examining the legality of the order of the Commissioner granting sanction to the leases.

After extracting charge No.1 in detail, the Supreme Court further observed as under:

> "…It is apparent that the first part of charge No. 1 read with the relevant allegations is that in utter disregard of the provisions of S. 29 of the Act and the Rules and without being satisfied that the leases were beneficial to the Devaswoms the appellant sanctioned them and this action of the appellant discloses misconduct, irregularity and gross recklessness in the discharge of his official duties. The charge is, therefore, one of misconduct and recklessness disclosed by the utter disregard of the relevant provisions of S. 29 and the Rules thereunder in sanctioning the leases. On behalf of the respondents it was argued both by Mr. Sarjoo Prasad and Mr. Bindra that the Commissioner was not discharging quasi judicial functions in sanctioning leases under S. 29 of the Act, but we shall proceed on the assumption that the Commissioner was performing quasi judicial functions in granting leases under S. 29 of the Act. Even upon that assumption we are satisfied that the Government was entitled to institute disciplinary proceedings if there was prima facie material for showing recklessness or misconduct on the part of the appellant in the discharge of his official duty. It is true that if the provisions of S. 29 of the Act or the Rules are disregarded the order of the Commissioner is illegal and such an order could be questioned in appeal under S. 29 (4) or in revision under S. 99 of the Act. But in the

> present proceedings what is sought to be challenged is not the correctness or the legality of the decision of the Commissioner but the conduct of the appellant in the discharge of his duties as Commissioner. The appellant was proceeded against because in the discharge of his functions he acted in utter disregard of the provisions of the Act and the Rules it is the manner in which he discharged his functions that is brought up in these proceedings. In other words the charge and the allegations are to the effect that in exercising his powers as Commissioner the appellant acted in abuse of his power and it was in regard to such misconduct that he is being proceeded against. It is manifest, therefore, that though the propriety and legality of the sanction to the leases may be questioned in appeal or revision under the Act, the Government is not precluded from taking disciplinary action if there is proof that the Commissioner had acted in gross recklessness in the discharge of his duties or that he failed to act honestly or in good faith or that he omitted to observe the prescribed conditions which are essential for the exercise of the statutory power. We see no reason why the Government cannot do so for the purpose of showing that the Commissioner acted in utter disregard of the conditions prescribed for the exercise of his power or that he was guilty of misconduct or gross negligence. We are accordingly of the opinion that the appellant has been unable to make good his argument on this aspect of the case.

In P.C.JOSHI V. STATE OF U.P. where disciplinary proceedings were initiated against judicial officer on a complaint made by advocates by framing nine charges and seven of them relate to orders granting bail. Out of 19 bail orders, Enquiry Officer found in 7 cases, bails were properly granted and charges were not proved and in four cases, the charges are held to be partly proved and in one case, Judicial Officer recalled the order of bail. In two other cases, bail ought to have been granted on the very first application but granted on the second application. The Supreme Court after taking note of the test to be adopted in dealing with such cases as held in UNION OF INDIA & OTHERS V. A.N.SAXENA (17 supra) and UNION OF INDIA & ANOTHER V. K.K.DHAVAN (18 supra) held that Enquiry Officer has not found any other material, which would reflect the reputation of the Judicial Officer or integrity or good faith or devotion to duty or that he has been actuated by any corrupt motives. At best it can be said that the view taken by the Judicial Officer is not proper or correct and not attribute any motive to him, which is for extraneous consideration that he had acted in that manner. If in every case where an order of a subordinate court is found to be faulty a disciplinary action were to be initiated, the confidence of the subordinate judiciary will be shaken and the officers will be in constant fear of writing a judgment so as not to face

a disciplinary enquiry and thus judicial officers cannot act independently or fearlessly. It is not applicable to the facts of the present case since in the said case no motives are attributed against the judicial officer or granting bail was for extraneous consideration.

In UNION OF INDIA V. AJOY KUMAR PATNAIK the Supreme Court after considering the misconduct committed by an officer while performing quasi judicial functions after taking note of the ratio laid down by it in S.GOVINDA MENON V. UNION OF INDIA (19 supra) held that an officer though performs quasi judicial functions, his conduct in the discharge of the quasi-judicial relates to the activity in the course of the discharge of his duties as a servant of the Government and bears reasonable relation or nexus with the nature and conduct of the service and when it casts reflection upon his reputation, integrity or devotion to duty as a public servant, that would be squarely referable to the conduct of the public servant amenable to disciplinary proceedings. When it is a misconduct, the competent authority is equally entitled to take a decision whether an officer has impeccable integrity and absolute devotion to duty for further continuation in service. The competent authority would be free to consider the material, particularly the latest one, and form a bona fide decision in the public interest to compulsorily retire an officer from service, which was set-aside by the Tribunal, holding so allowed the appeal upholding disciplinary action.

In ZUNJARRAO BHIKAJI NAGARKAR V. UNION OF INDIA where the delinquent officer while exercising quasi judicial power under Central Excise Act, 1994 omitted to levy penalty on the assessee and was proceeded departmentally under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and was served with a memo under Rule 15 informing to hold enquiry against him for the alleged lapses. The delinquent officer unsuccessfully challenged the same before the Central Administrative Tribunal as well as High Court of Bombay, filed an appeal before the Supreme Court challenging the initiation of disciplinary proceedings. The Supreme Court while dealing with the entire matter held as follows:

> “When penalty is not levied, the assessee certainly benefits. But it cannot be said that by not levying the penalty the officer has favoured the assessee or shown undue favour to him. There has to be some basis for the disciplinary authority to reach such a conclusion even prima facie. Record in the present case does not show if the disciplinary authority had any information within its possession from where it could form an opinion that the appellant showed 'favour' to the assessee by not imposing the penalty. He

> may have wrongly exercised his jurisdiction. But that wrong can be corrected in appeal. That cannot always form basis for initiating disciplinary proceedings for an officer while he is acting as quasi judicial authority. It must be kept in mind that being a quasi judicial authority, he is always subject to judicial supervision in appeal.

While holding so, the Supreme Court opined that it was not a case for initiation of any disciplinary proceedings against the delinquent and accordingly set-aside the impugned order, which is not relevant to the facts of the present case.

Similarly in the case of SHER BAHADUR (2 SUPRA) the Supreme Court while dealing with sufficient evidence in Railway Services (Conduct) Rules, 1966 held that sufficiency of evidence postulates existence of some evidence which links the charged officer with the misconduct alleged against him. In the absence of such evidence which links the charged officer's misconduct, evidence, however voluminous it may be cannot be a relevant factor nor establishes any nexus between the alleged misconduct and the charged officer is no evidence in law, do not help the petitioner.

In view of the law declared as above, the submission of the petitioner that quasi judicial authority while discharging his functions committed any misconduct alone can be proceeded for the alleged misconduct, whereas judicial officer discharging judicial functions cannot be subjected to disciplinary action for the alleged misconduct, if any, committed in discharging of his judicial functions as the same is capable of correction in appeal, is only a misconception and cannot be accepted. When the appellate court noticed that while discharging judicial functions a Subordinate Judicial Officer has deliberately committed a misconduct and his judgment is a result of dishonesty, unmindful of settled norms in settling the matter impartially and contrary to the legal position, a reasonable inference can be drawn that such discharge was a result of bad faith which would reflect the reputation of the judicial officer, and if such dispensation of justice was with a corrupt motive, it is always open to proceed against such officer departmentally for the alleged misconduct and there is no bar for initiation of disciplinary action against the petitioner as per the settled norms indicated by the Supreme Court in "K" A JUDICIAL OFFICER, IN RE (14 supra).

The point No.3 is accordingly answered.

It was next contended that charges as framed are without any basis and are vague and not supported by legally acceptable evidence. A reading of the charges would disclose that the

basis for imputation of charges though not been mentioned separately, necessary details for framing charges have been disclosed. In first category of charges, the petitioner while working as Sub-Judge at Gadwal disposed of the LAOPs and awarded compensation on yardage basis though larger extent of land was subject matter of Ops. Whereas in second category of charges, sale deeds of smaller extents were form basis for fixation of compensation to the larger extents. Similarly, in third category of charges, where uniform rates were awarded without taking into note of the categories made by the Land Acquisition Officer, namely, category 1,2,3 and 4 based upon the fertility of the land. No reasons were assigned by the petitioner for awarding uniform rates require to be proceeded departmentally. Fourth category of charges relates to the cases, which were heard, and judgments were delivered after transfer orders, since High Court dropped the said charges, it is not necessary to go into the details of the same. It is undisputable all the above judgments were emanated from the desk of the petitioner, on which misconduct is attributed. It was contended that in the absence of any statements recorded either of the claimants or staff of the Land Acquisition Officer to prove the said charges the conclusion that extraneous and irrelevant considerations weighed in deciding the land acquisition OPs is erroneous. The petitioner has not denied of the fact that he is not the author of the judgments which were marked as Exs.A-1 to A-27. It is not denied by the petitioner that in LAOP Nos.1965/94 dt. 12-9-1994, 1961/84 dt. 30-9-94, and LAOP No.69/90 dt. 28-8-1995 he rejected the claim of the landholders for determination of the market value on the basis of the sale deeds for small extents of land, holding that such sale deeds cannot form basis for determining the market value to large extents of the acquired land. Whereas in LAOPs referred in charge No.3, the delinquent officer determined the market value of the land at Rs.90/- per sq.yard and after deducting 1/3rd awarded compensation at Rs.60/- per sq.yard for the total extent of 70 acres, as per Ex.A-2-draft judgment. The basis for awarding such compensation was of sale deeds for small extents. Similarly, in the cases under charge Nos.19,20,21 to 23, compensation was fixed at yardage basis for the larger extents acquired. LAOP No.80/89 relates to charge No.21. In that case claimant claimed market value at Rs.50/- per sq.yard. The petitioner determined the same rate based upon the sale deeds Exs.A-1 to A-3, which cover less than 300 sq.yards and after deducting 1/5th market value the compensation was determined at Rs.40/- per sq.yard for an extent of 8 acres. The petitioner neither denied the said fact nor requested for supply of copies of judgments or for permitting him to go through the same and make defence. When the said documents were produced before the Enquiry Officer through P.W.1, the petitioner has not even chosen to cross-examine him. In a case like this nature, it is quite but natural the

beneficiaries under awards will not support the State even if they were called. Similarly, the officials of the Land Acquisition Office do not know what weighed with the Judicial Officer in passing the said awards except to apprise the judgments which form part of the record and in coming to the conclusion that any motives are attributed in deviating norms set out as per the whims and fancies of the Judicial Officer. The way the petitioner fixed the compensation for the acquired lands in the OPs concerned and applying different yardsticks from case to case speaks volumes about his conduct and shows the erratic approach apart from negligence and reckless way of exercising the power conferred on the petitioner. Such motives cannot be attributable while deciding the matter on judicial side in appeal since the same will amount to violation of principles of natural justice, and such remarks as far as possible should be avoided against the judicial personnel of lower hierarchy except taking on administrative side, as has been repeatedly held by courts. In view of the same, the petitioner cannot complain that the charges are vague and not supported by any evidence adduced during the course of enquiry nor it can be said the findings arrived at by the Enquiry Officer based upon the said documents which were formed part of enquiry proceedings is perverse and no prudent man can come to the conclusion that delivering said judgments were for extraneous and irrelevant considerations. The Judgments itself are *res ipsa loquitor.* After going through the judgments which form basis for initiation of disciplinary proceedings indicate that petitioner acted in a manner not befitting to his office which creates suspension among the litigant people that claimants were discriminated in awarding compensation.

Justice Mathew speaking for the Bench in UNION OF INDIA V. SARDAR BAHADUR with regard to the disciplinary matter observed as under:

> "…A disciplinary proceeding is not a criminal trial. The standard proof required is that of preponderance of probability and not proof beyond reasonable doubt. If the inference that Nand Kumar was a person likely to have official dealings with the respondent was one which a reasonable person would draw from the proved facts of the case, the High court cannot sit as a court of appeal over a decision based on it. Where there are some relevant materials which the authority has accepted and which materials may reasonably support the conclusion that the officer is guilty, it is not the function of the High
>
> court exercising its jurisdiction under Article 226 to review the materials and to arrive at an independent finding on the materials. If the enquiry has been properly held the question of adequacy or reliability of the evidence cannot be convassed before the High

court (See State of Andhra Pradesh v. S. Sree Rama Rao::AIR 1963 SC 1723)…."

A faint attempt was made stating that some of the judgments where appeals are pending are stated by the petitioner in his written arguments. Judgments in OP No.465/97 (Charge No.19) and OP No.641/94 (Charge No.25) were confirmed in AS No.1546/96 dt. 12-12-1996 and AS No.1394/96 dt. 12-12-1996 respectively, where compensation was fixed on yardage basis. The High Court enhanced further compensation in AS Nos.884/96 and batch dt. 19-8-1996 and AS No.625/94 and batch dt. 19-8-1996 arising out of judgments in OP No.146/91 (Charge No.14) and OP No.156/89 (Charge No.15) respectively. In view of the same, no misconduct can be imputed to the petitioner in fixing the compensation. As already referred to above, mere affirming compensation or variation in appeal will not prevent the disciplinary authority in proceeding with the enquiry. The judicial officer though performs judicial functions , his conduct in the discharge of judicial acts or omission relates to the activity in the course of the discharge of his duties and bears reasonable relation or nexus with the nature and conduct of the service and when it casts reflection upon his reputation, integrity or devotion to duty as a Judicial Officer, that would be squarely referable to the conduct of the Judicial Officer amenable to judicial proceedings. Merely because, it is capable of correction on appeal cannot be a relevant factor and to allow such omissions which will have the reflection on the whole system.

Justice Khanna of Kesavananda fame observed once that "*such a time is past and now no more. Legal institutions and courts have to earn reverence through the test of truth. Justice is not a cloistered virtue. She must be allowed to suffer the scrutiny and respectful, even though out spoken, comments of ordinary men we should not brush under the carpet the criticism if true, however unpalatable it may be. Judiciary in no case can escape accountability. It therefore becomes essential that we do a bit of introspection. If, in the process we discover the drawbacks and infirmities in the administration of justice, enlightened self-interest demands that we should set the same right".* A time has now come to weed out such judicial officer whose integrity is doubtful, otherwise, confidence of the people on the Judiciary will be shaken.

It is well settled that findings recorded by the disciplinary authority basing on available records are immune from interference, High Court cannot embark upon re-appreciation of

evidence. Once the circumstantial evidence tendered during the course of departmental enquiry establish the charges which can be reasonably infer on the said evidence, High Court in exercise of judicial review cannot re-appraise the same as if it sitting in appeal against the decision of the departmental authority. Once it is established that sufficient opportunity was given to the employee and when it was not a case of no evidence, interference on insufficiency of evidence is uncalled for. Point No.1 is accordingly answered against the petitioner.

The submission made by the petitioner that enquiry conducted is in violation of principles of natural justice has to be considered in the light of the settled principles.

It is well settled that source of information by the employer can be in any from either oral or written which may be the basis for initiation of disciplinary action after duly conducting preliminary enquiry into the said allegations. During the course of preliminary enquiry, if it is found that the matter requires investigation, necessary charges will be drawn in a concrete shape alleging misconduct and explanation will be called for. The source on which such disciplinary action was initiated need not be mentioned in the charge memo unless the same is relied during the course of enquiry. It was contended that two letter, as referred to above, on which basis disciplinary action was initiated were not supplied to the petitioner. When the charge memo was served on the petitioner-delinquent, admittedly, he did not make any request to the disciplinary authority or to the enquiry officer to furnish any documents or seek permission to peruse the records in order to prepare his statement of defence for the purpose of enquiry. It is not denied that the enquiry was conducted against the petitioner under CCA Rules. Under rule 19(2) (a), which was already been extracted in one of the judgments, the petitioner, if desired to have the said documents, which are likely to be relied upon by the enquiry officer, he has a right to request for inspection of relevant documents for the preparation of written statement and for defending himself in the enquiry. He did not make any request either to permit him to peruse the official records or to supply the documents which are likely to be relied upon by the enquiry officer during the course of enquiry, knowing fully that the said letter do not form part of the record. For the first time, in his reply to the show cause notice issued by the High Court dt. 19-3-1998, the petitioner stated that he was not supplied with the documents or record, namely letter written by the learned Judges of this court dt. 25-12-1996 and complaint sent by Gadwal Youth Association, which are the basis for petitioner's suspension and initiation of departmental enquiry and non supply of them would vitiate the enquiry, is as after thought.

In DAVID WILSON (3 supra) Justice S.R.Nayak speaking for the Division Bench, where material or evidence collected by the disciplinary authority in the course of preliminary enquiry was used against the delinquent officer, which is not substantive evidence, which is violative of principles of natural justice and accordingly set-aside the punishment.

In the case of ***MINISTRY OF FINANCE & ANOTHER V. S.B.RAMESH*** where an Income Tax Officer was proceeded departmentally for alleged irregularities in the incometax assessment, which was not pursued but was served with another charge sheet of his contacting second marriage while his first wife is alive which violates the rule 21 (3) of CCS (Conduct) Rules, 1964. When he denied the said charge enquiry was conducted and punishment of compulsory retirement from service was imposed. The delinquent officer challenged the punishment of compulsory retirement before the Tribunal. The tribunal gone into the evidence and gave a finding that the order of disciplinary authority was based on no evidence and findings were perverse. On appeal, the Supreme Court in spite of granting special leave, the appellant had not availed the opportunity of submitting complete paper book. In the light of the same, the Supreme Court after going through the findings of the Tribunal held that in the absence of full material made available before it in spite of opportunity given to the appellant, the departmental enquiry conducted is unsatisfactory and upheld the findings of the Tribunal.

In ***TOWN AREA COMMITTEEE, JALALBAD V. JAGDISH PRASAD*** it was found that on serving charge sheet, delinquent officer submitted his explanation denying charges, yet no evidence was led by the Department to prove the charges against him nor was delinquent officer allowed to cross-examine the witnesses nor was he given an opportunity or proving his defence and establishing his innocence.

SHATRUGHAN LAL (1 SUPRA) is a case where copies of documents relied on by the Department were not supplied to the delinquent officer, which was admitted that it was open to delinquent officer to inspect those documents. All the above cases are misplaced to the facts of the present case.

The Supreme Court in ***STATE BANK OF PATIALA V. S.K. SHARMA*** after considering the various judgments in detail and the conduct of the delinquent who waived his right, at paras 31 and 32 held as under:

> "Sub-Clause (iii) is, without a doubt, conceived in the interest of the delinquent officer and hence, he could waive it. From his conduct, the respondent must be deemed to have waived it. This is an aspect which must be borne in mind while examining a complaint of non-observance of procedural rules governing such enquiries. It is trite to remember that, as a rule, all such procedural rules are designed to afford a full and proper opportunity to the delinquent officer/employee to defend himself and are, therefore, conceived in his interest. Hence, whether mandatory or directory, they would normally be conceived in his interest only.
>
> Now, coming back to the illustration given by us in the preceding paragraph, would setting aside the punishment and the entire enquiry on the ground of aforesaid violation of sub-clause (iii) be in the interests of justice or would it be its negation? In our respectful opinion, it would be the latter. Justice means justice between both the parties. The interests of justice equally demand that the guilty should be punished and that technicalities and irregularities which do not occasion failure of justice are not allowed to defeat the ends of justice. Principles of natural justice are but the means to achieve the ends of justice. They cannot be perverted to achieve the very opposite end. That would be a counter-productive exercise.

The view expressed in case of State Bank of Patiala has been followed by the Supreme Court in ***STATE OF T.N. V. THIRU K.V.PERUMAL*** . Unless prejudice is established, it is the duty of the Enquiry Officer to supply relevant documents and not each and every document asked for and it is the duty of the delinquent to point out how each and every document is relevant to the charges or to the enquiry being held against him and whether how their non-supply has prejudiced his case. On receipt of the charge memo, the petitioner submitted his explanation to the charges stating that the charges as framed against him by the Enquiry Officer are not in conformity with the A.P. Civil Services (CCA) Rules , 1964 nor in accordance with the directions of the Honourable High Court in ROC No.1467/96 dt. 27-12-1996 and ROC No.1467/96 dt. 21-3-1997. Further the said charges were framed without there being any material on record, which amounts to violation of principles of natural justice. In view of the same, the contention of the petitioner that non-supply of said two letters and charges are vague, was violation of principles of natural justice cannot be accepted as charge memo contains necessary particulars on which the petitioner will be proceeded with. In view of the same, I see no force in the submission of the petitioner that

enquiry conducted by the disciplinary authority is in violation of principles of natural justice and the procedure followed by the enquiry officer in conducting enquiry and finding recorded by him as accepted by the High Court do not suffer from any infirmity and are based on substantive legal evidence.

I do not find any merit in any of the submissions made by the petitioner. The writ petition is accordingly dismissed. No costs.

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A.GOPAL REDDY,J

Dt.1-11-2004

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To

1. The Secretary, Government of Andhra Pradesh, Department of Legislative Affairs

& Justice, Secretariat

Hyderabad.

2. Registrar (Vigilance), High Court of Andhra Pradesh, Hyderabad.

3. 2CD copies

4. 2 CCs Sri C.V.Nagarjuna Reddy, SC for High Court, High Court, Hyderabad (OUT).

5. 2 CCs to G.P. for Home (Courts), High Court Buildings, Hyderabad.(OUT)